

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

OSCAR ORLANDO BARRERA PINEDA §
VS. § CIVIL ACTION NO. 1:20cv3
WARDEN, FCI BEAUMONT LOW §

**ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner Oscar Orlando Barrera Pineda, proceeding *pro se*, filed the above-styled petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable orders of this court. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this case. The Magistrate Judge recommends the petition for writ of habeas corpus be dismissed.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the records, pleadings and all available evidence. Petitioner filed objections to the Report and Recommendation.

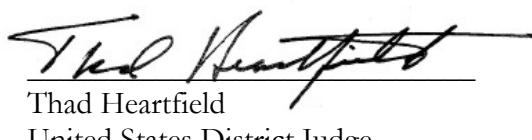
The Court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. After careful consideration, the Court is of the opinion petitioner's objections are without merit. Petitioner is not entitled to relief because he has failed to demonstrate that, based on a retroactively applicable Supreme Court decision, he was convicted of a nonexistent offense. *Reyes-Querena v. United States*, 243 F.3d 893, 894 (5th Cir. 2001).

ORDER

Accordingly, the objections filed by petitioner are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in accordance with the recommendation of the

Magistrate Judge.

SIGNED this the 7 day of July, 2021.



The image shows a handwritten signature in black ink, which appears to read "Thad Heartfield". The signature is fluid and cursive, with a horizontal line drawn through it at the end.

Thad Heartfield
United States District Judge